

## **Deficiency Progress Report**

To complete the evaluation process, CUPAs submit Deficiency Progress Reports to Cal/EPA that explain their progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

**CUPA:** Sonoma County Department of Emergency Services  
**Evaluation Date:** April 24 and 25, 2007  
**Evaluators:** JoAnn Jaschke, CalEPA  
Mickey Pierce, DTSC  
Jack Harrah, OES  
Sean Farrow, SWRCB

**Date Update 1 is submitted:** July 23, 2007

- 1. Deficiency:** The CUPA does not have a CalARP dispute resolution procedure.

**Preliminary Corrective Action(s):** By July 24, 2007, the CUPA will develop a CalARP dispute resolution procedure that satisfies all of the elements of Title 19, Section 2780.1.

**CUPA Corrective Action, (Update 1):** The County of Sonoma Department of Emergency Services (DES) modified its Standard Operating Procedure (SOP) 4.12 for the CalARP program and added Section VIII, Dispute Resolution Procedure. The updated SOP 4.12 is available upon request.

**Cal/EPA Response and OES:** The CalARP dispute resolution procedure satisfies all the elements of Title 19, section 2780.1. This deficiency has been corrected.

- 2. Deficiency:** The CUPA has not documented how it expends at least 5% of its hazardous waste related resources to the oversight of universal waste handlers and silver only generators in their Inspection and Enforcement Plan.

**Preliminary Corrective Action(s):** By July 1, 2007, the CUPA will document how it expends at least 5% of its hazardous waste related resources to the oversight of Universal Waste handlers.

**CUPA Corrective Action, (Update 1):** DES modified its Inspection-Enforcement Program Plan by adding Section F, Oversight of Universal Waste Handlers and Silver-Only Generators. The updated Inspection-Enforcement Program Plan is available upon request.

**Cal/EPA and DTSC Response:** DTSC accepts the CUPA's response as adequate to address the deficiency. This deficiency has been corrected.

3. **Deficiency:** The CUPA is not conducting inspections in a manner consistent with the standards in law and regulation.

**Preliminary Corrective Action(s):** Within 90 days (by July 24, 2007), the CUPA shall develop a process by which it can ensure that recyclers and tiered permitting facilities that are required to routinely submit information do submit the information. The process should be implemented at the beginning of the 1<sup>st</sup> quarter of calendar year 2008, to facilitate a baseline date and meet the requirements of having information submitted annually.

**CUPA Corrective Action, (Update 1):** DES modified its SOP 4.13 on tiered permitting to include recycling sites and a process by which DES will verify that required information is submitted by established deadlines. In addition, DES modified its Inspection-Enforcement Program Plan to include procedures for inspectors to follow in verifying that required information has been filed. The updated SOP 4.13 and Inspection-Enforcement Program Plan is available upon request.

**Cal/EPA and DTSC Response:** DTSC accepts the CUPA's response as adequate to address the deficiency. This deficiency has been corrected.

4. **Deficiency:** The CUPA is not documenting violations in accordance with the requirements of law. The CUPA's documentation of violations does not include the factual basis of each violation.

**Preliminary Corrective Action(s):** Within 30 days (by May 25, 2007) the CUPA shall remind staff of the elements to be recorded when documenting violations: the factual basis, the section violated, the corrective action, and the timeframe for correction.

**CUPA Corrective Action, (Update 1):** On April 25, 2007, a meeting was held with DES CUPA inspection staff and the results of the audit were reviewed, including the finding to better document violations. DES continues to pursue the use of tablet computers in the field. These allow for the generation of field reports using a checklist format that detail the factual basis for violations, sections violated, corrective actions, and timeframes for corrections. DES purchased two more tablet PC's and portable printers so that each of its four inspectors will have one available. In addition, the CUPA manager conducted a field inspection on 5/16/07 with two of the newer staff to review the format and detail required in producing quality field inspection reports.

**Cal/EPA and DTSC Response:** DTSC is encouraged that the CUPA is moving forward with the tablet computers which will provide better violation documentation. In the next deficiency progress report, please provide 3-4 examples of reports from various inspectors demonstrating the improved violation documentation.

5. **Deficiency:** The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance inspections during the last three fiscal years.

**Preliminary Corrective Action(s):** By June 30, 2007, and each subsequent year, the CUPA will inspect every UST within its jurisdiction at least once every year.

**CUPA Corrective Action, (Update 1):** As of 30 June 2007, all of the UST's within the jurisdiction of DES were inspected within the last year. A spreadsheet listing each site and the date of its last inspection will be provided upon request.

**Cal/EPA and SWRCB Response:** SWRCB considers this deficiency corrected.

6. **Deficiency:** The CUPA is not ensuring that all UST facilities have current financial responsibility forms.

**Preliminary Corrective Action(s):** By October 24, 2007, the CUPA will go through its files and identify those facilities with out-dated financial responsibility forms and require the submittal of new forms.

**CUPA Corrective Action, (Update 1):** Through its CUPA DMS database, DES is now tracking the dates of the latest Statements of Financial Responsibility for its UST sites. Currently, this information has been gathered for 57% of them. DES expects that by 10/24/07, it will have identified all sites with out-dated financial responsibility forms and required submittal of new forms.

**Cal/EPA and SWRCB Response:** SWRCB feels the CUPA is making good progress towards correcting this deficiency. In the next deficiency progress report, please update Cal/EPA on the status of correcting this deficiency.

7. **Deficiency:** The CUPA is not ensuring that all UST facilities have a current operating permit.

**Preliminary Corrective Action(s):** By October 24, 2007, the CUPA will go through its facility files and review them for other expired permits and bring those facilities into compliance.

**CUPA Corrective Action, (Update 1):** DES has reviewed all of its UST sites for expired permits. As of 6/30/07, 98% (87 of 89) of its active sites had current permits. The two active sites without current permits had compliance issues to be cleared, although these issues are expected to be resolved within the next three months. The eight non-operating sites without current permits are either in the process of being closed, undergoing extensive renovation, or have serious compliance issues remaining to be resolved.

**Cal/EPA and SWRCB Response:** SWRCB feels the CUPA is making good progress towards correcting this deficiency. In the next deficiency progress report, please update Cal/EPA on the status of correcting this deficiency.